



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
Juneau Field Office
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: February 8, 2007

EXPIRATION DATE: March 9, 2007

REFERENCE NUMBER: POA-1977-116-R

WATERWAY: Gastineau Channel 302

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States (U.S.) as described below and shown on the attached plan, five sheets, dated Jan. 2007.

APPLICANT: S&S Development, LLC, 7608 N. Douglas Highway, Juneau, Alaska 99801-7601

AGENT: R&M Engineering, Inc., 6205 Glacier Highway, Juneau, Alaska 99801-7906

LOCATION: The proposed project is located within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ of Sections 33 and 34, T. 40 S., R. 66 E., Copper River Meridian; Latitude 58.354, 539° N., Longitude 134.507, 383° W.; Tract S, USS 2121, in Juneau, Alaska.

PURPOSE: The applicant's stated project purpose is to develop a community recreation area.

WORK: 1. Proposed modification of the site restoration plan, which currently requires that the approximately 28 acre borrow area be reclaimed by 2010 in a manner suitable for fish and wildlife utilization, two dendritic channels measuring approximately 200 feet long are to be constructed to provide fish habitat; restored areas are to be revegetated with a seed mix or plantings suitable for wet areas; final surface elevations of the non-channel portions of the reclaimed permit area are to range from +13.0 MLLW to + 16.0 MLLW; fill may include only natural materials such as stumps, overburden, soils, rock, sand and gravel, and waste concrete materials that are free from petroleum products and toxic contaminants in toxic amounts; and breaching of the dikes along Lemon and Switzer Creeks to allow tidal exchange at high water. The currently proposed plan would involve restoration of approximately 4.5 acres of the borrow area by grading the site to approximately 17 feet. A slough through the area, draining to Switzer Creek, would be at elevation 12.5 feet, while a berm at the outlet of the slough would be set at elevation 13.5 feet to hold approximately 1 foot of water in the slough at all times for rearing fish habitat. The wetland restoration area would be seeded with annual rye following grading. The dike along Switzer Creek would be breached to provide tidal exchange and connectivity with Switzer Creek.

2. Proposed discharge of approximately 300,000 cubic yards of clean fill material consisting of natural organics (logs, stumps, overburden) and mineral soil into approximately 24 acres of waters of the U.S., including wetlands to construct two soccer fields, four ball fields, one playground, one picnic or unstructured play area, and one parking lot for 340 vehicles.

ADDITIONAL INFORMATION: The DA permit 071-OYD-2-770116 was issued on October 14, 1977, authorizing the removal of 25,000 cubic yards of material, construction of a dike, and material stockpiling in the project area. The permit was modified on August 17, 1987, authorizing the continued removal and stockpile of 50,000 cubic yards of sand and gravel per year for a ten year period. The permit was further modified on April 14, 2000, authorizing the discharge of dredged and/or fill material into waters of the U.S., including wetlands, to facilitate the continued mining of approximately 155,000 cubic yards of sand and gravel. The permit also authorized the discharge of backfill material to complete the above listed restoration requirements. Contact the applicant's agent, Mr. Chris Crenshaw, R&M Engineering, at (907) 780-6060 for further information concerning the current proposal.

MITIGATION: None.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their

participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife, or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated Federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a Federal Fishery Management Plan. We have reviewed the NMFS and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2005) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/112/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern (April 2005) to locate and identify HAPC in the vicinity of the proposed action.

The project is located in an area described as EFH.

The project is not located in any HAPC.

We have determined that the described activity within the proposed area will not adversely affect EFH. The proposed project location has no fresh water inlet, and the site is not subject to tidal exchange, as it is enclosed by a dike system. Therefore, the site would not function as fish habitat necessary for spawning, breeding, feeding, or growth to maturity.

This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for Federally managed fish will also be considered in our final assessment of the described work.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if

so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Randal P. Vigil at (907) 790-4490, or by email at randal.p.vigil@poa02.usace.army.mil, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the U.S. - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the U.S. - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

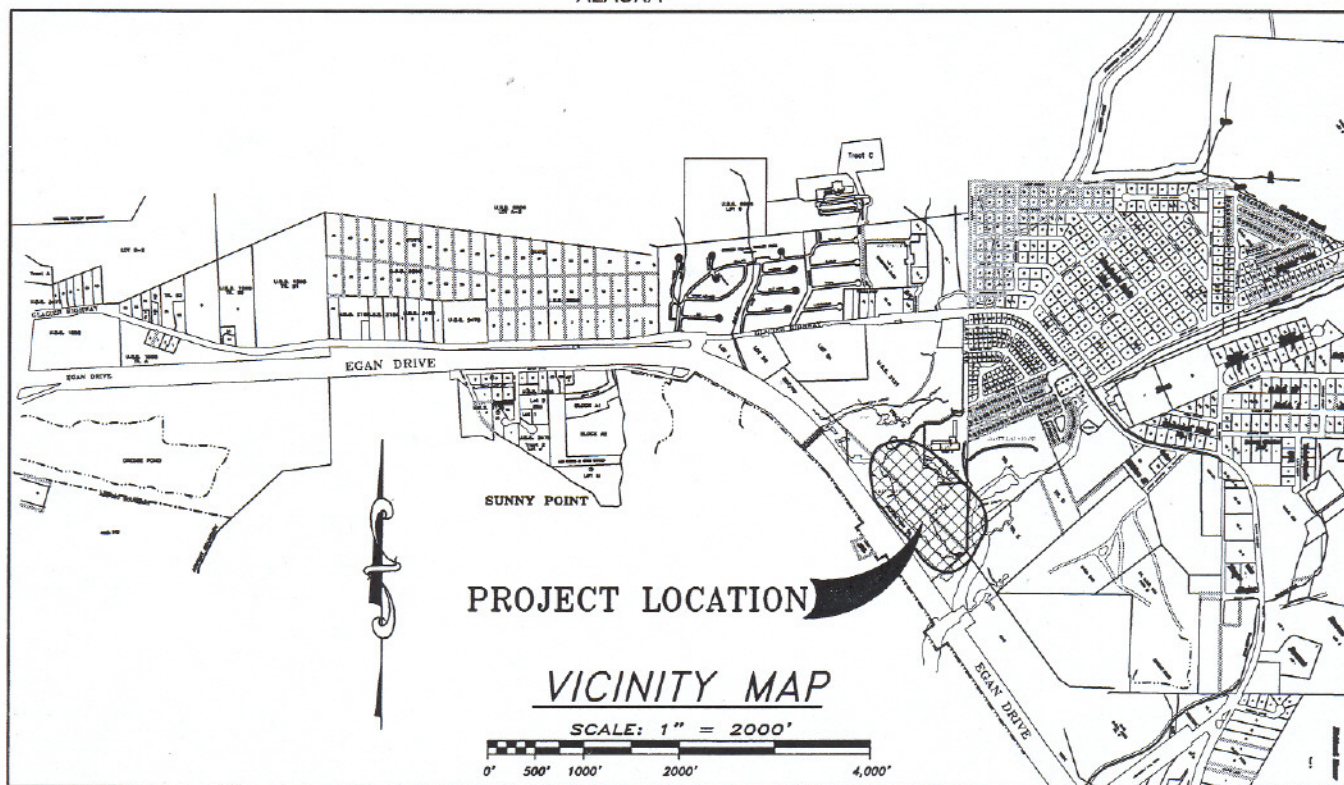
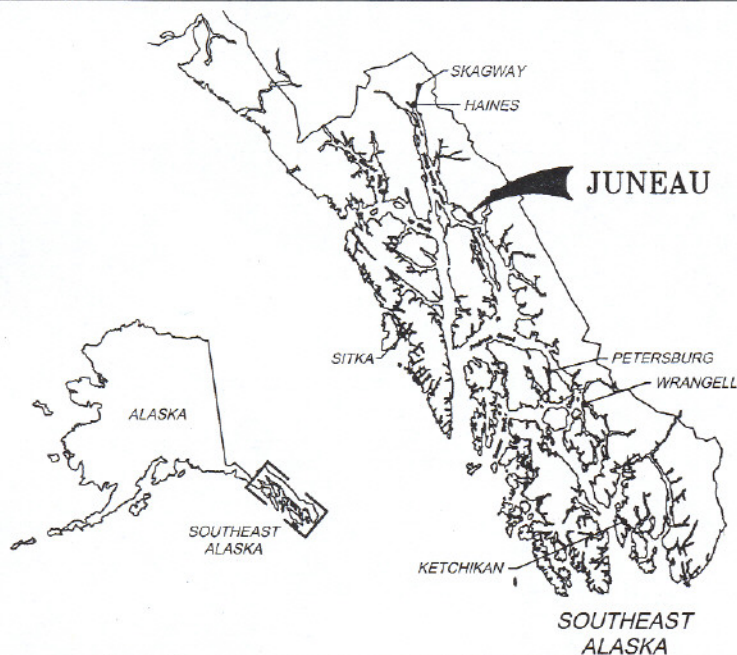
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

SHEET INDEX

SHEET	DESCRIPTION
1	VICINITY MAP
2	EXISTING SITE CONDITIONS
3	ADJACENT PROPERTIES SYMBOLS, QUANTITIES & ABBREVIATIONS
4	SITE PLAN
5	TYPICAL SECTIONS



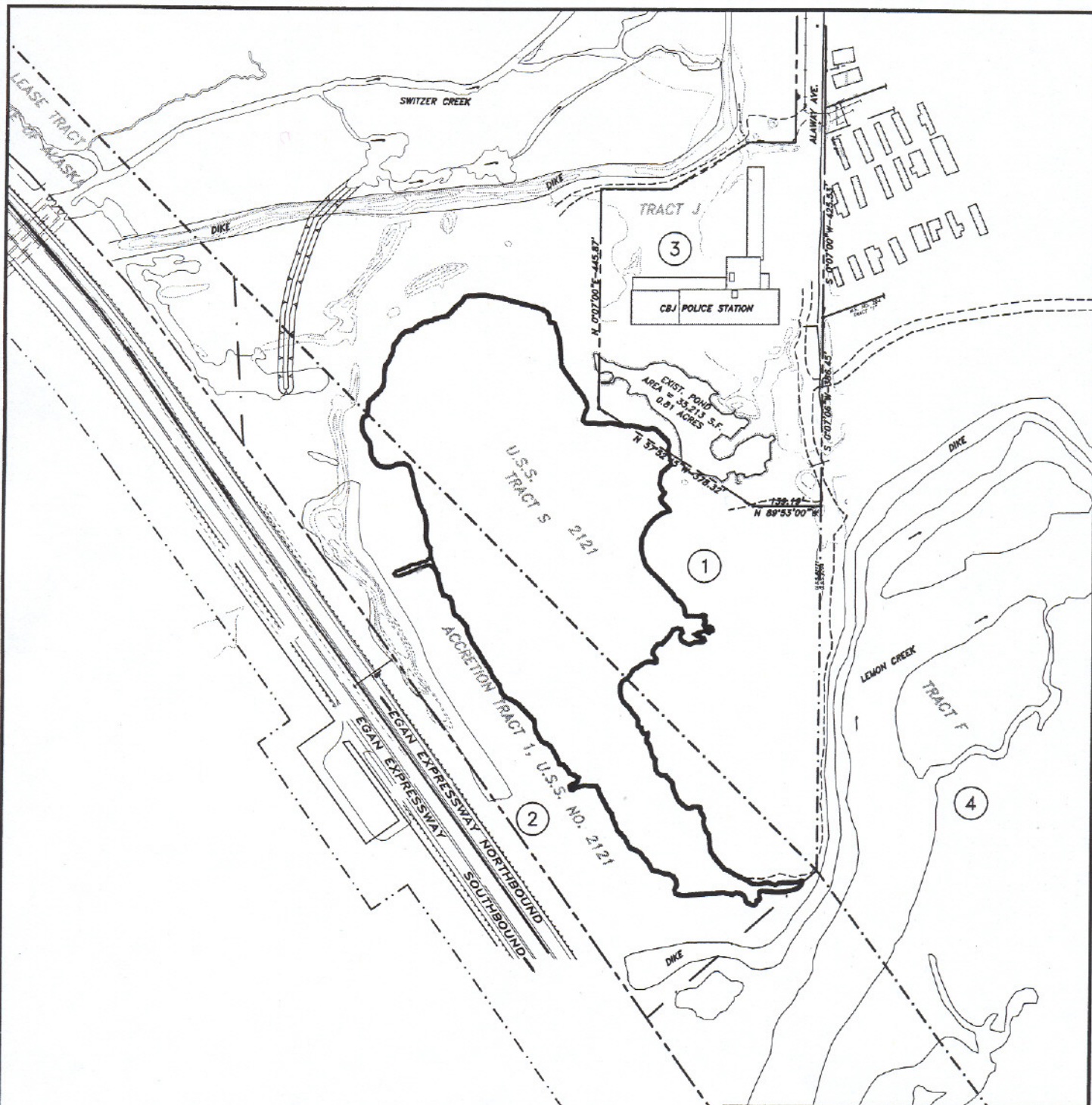
1999 GASTINEAU CHANNEL TIDAL DATA

HTL 20.80'
MHW. 15.34'
MLLW. 0.00'

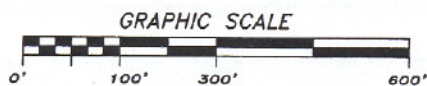
S&S POND PROPOSED MODIFICATION OF PERMIT No. P-770166 TRACT S, USS 2121

IN: GASTINEAU CHANNEL 302
AT: JUNEAU, ALASKA
APPLICANT: S&S Development, LLC
7608 North Douglas Highway
JUNEAU, AK 99801

DATE: JAN., 2007 SHEET 1 OF 5



EXISTING SITE CONDITIONS



① = Adjacent Property Owners

SEE SHEET 3 FOR PROPERTY OWNERS, ADDRESS, AND LAND DESCRIPTION.

S&S POND
PROPOSED MODIFICATION
OF PERMIT No. P-770116
TRACT S, USS 2121

IN: GASTINEAU CHANNEL 302

AT: JUNEAU, ALASKA

APPLICANT: S&S Development, LLC
7608 North Douglas Highway
JUNEAU, AK 99801

DATE: JAN., 2007





SHEET 2 OF 5

ADJACENT PROPERTIES



LAND DESCRIPTION	OWNER OF RECORD	ADDRESS
① U.S.S 2121, TRACT S	S&S DEVELOPMENT	6590 GLACIER HWY. #82A, JUNEAU, AK 99801
② ACCRETION TRACT 1, U.S.S. NO. 2121	STATE OF ALASKA, DEPT. OF TRANSPORTATION AND PUBLIC FACILITIES	6860 GLACIER HWY. JUNEAU, AK 99801
③ U.S.S. 2121, TRACT J	CITY AND BOROUGH OF JUNEAU	155 SO. SEWARD, JUNEAU, AK 99801
④ U.S.S 2121, TRACT F	SCOTT LAFAYOUR	2433 ENGINEERS CUTOFF RD., JUNEAU, AK 99801

SYMBOLS

EXISTING

	RIGHT-OF-WAY / PROPERTY LINE
	CULVERT
	STRUCTURE
	WATER BODY

NEW

	TOP OF FILL
	TOE OF FILL

QUANTITIES

AREA TO BE FILLED = 17.2 ACRES

FILL VOLUME = ±300,000 CUBIC YARDS

ABBREVIATIONS

EXIST.	EXISTING
TYP.	TYPICAL

S&S POND
PROPOSED MODIFICATION
OF PERMIT No. P-770116
TRACT S, USS 2121

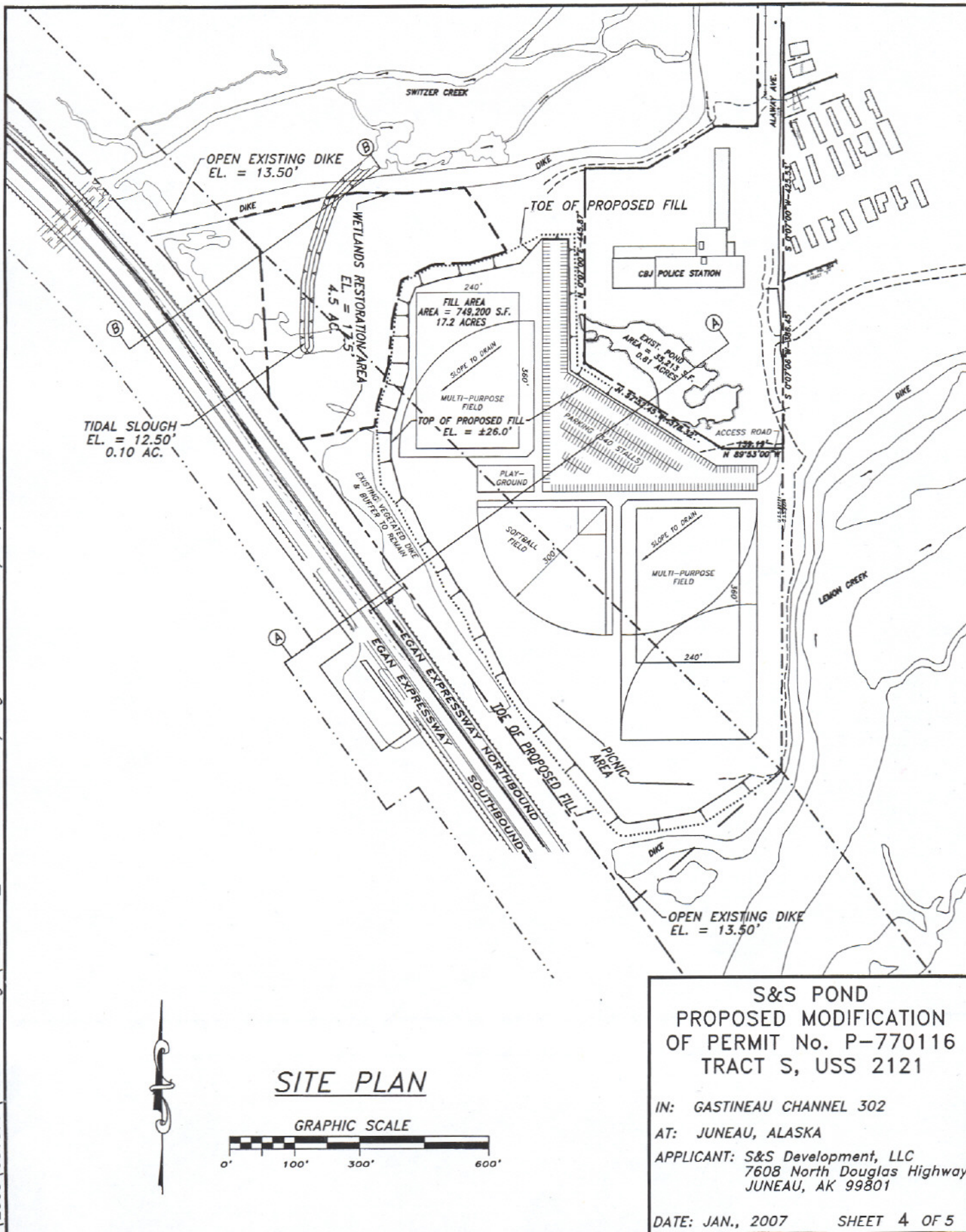
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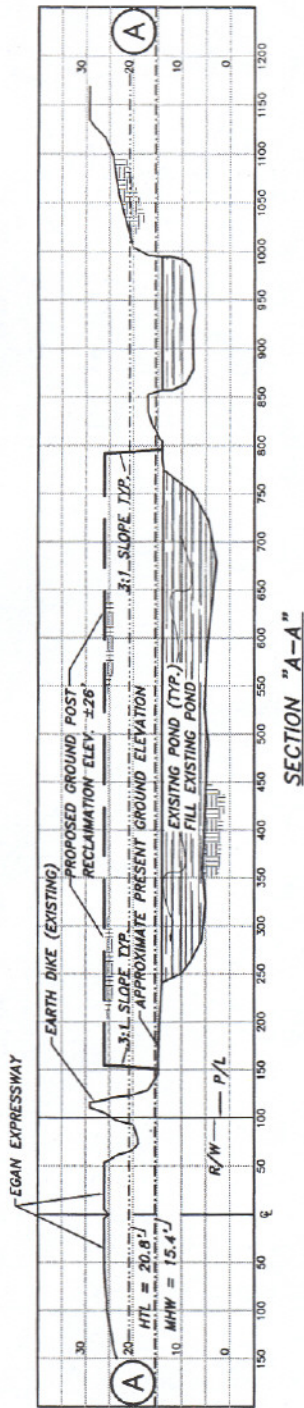
AT: JUNEAU, ALASKA

APPLICANT: S&S Development, LLC
7608 North Douglas Highway
JUNEAU, AK 99801

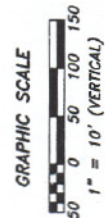
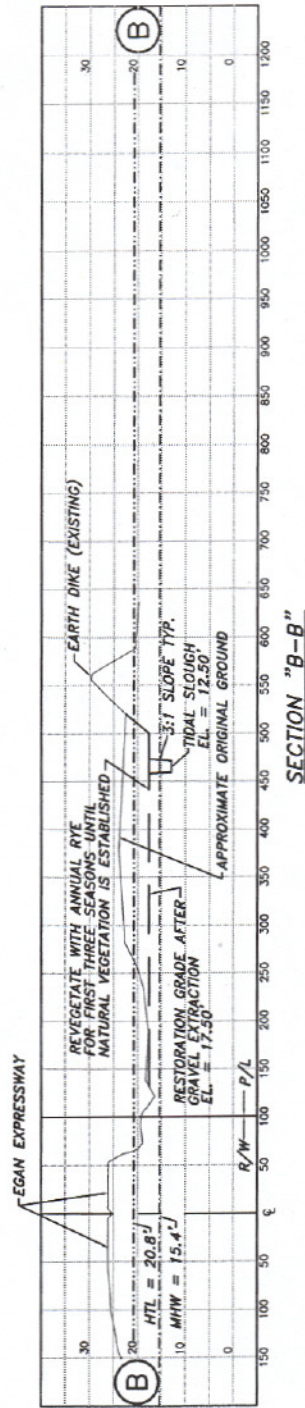
DATE: JAN., 2007

SHEET 3 OF 5





TYPICAL SECTIONS



**S&S POND
PROPOSED MODIFICATION
OF PERMIT No. P-770116
TRACT S, USS 2121**

IN: GASTINEAU CHANNEL 302

AT: JUNEAU, ALASKA

APPLICANT: S&S Development, LLC
7608 North Douglas Highway
JUNEAU, AK 99801

DATE: JAN., 2007

SHEET 5 OF 5

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No **POA-1977-116-R, Gastineau Channel 302**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99801-1030
PHONE: (907) 465-3562/FAX: (907) 465-3075

NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-19977-116-R, Gastineau Channel 302**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.